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2 UNITED STATES BANKRUPTCY COURT
3 EASTERN DISTRICT OF WASHINGTON
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7 In re:

8 DALE SLOAN and DEBBIE SLOAN

Bankruptcy No. 09-03626-FLK7

9 Debtors.
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11 ROBERT BRESHEARS, a single person,

Adversary No. 09-80133-FLK

12 Plaintiff,

13 vs.

14 PROPOSED FINDINGS OF FACT AND
15 CONCLUSIONS OF LAW, COMBINED WITH
16 RECOMMENDATION REGARDING
17 PLAINTIFF'S REQUEST FOR ENTRY OF
18 DEFAULT JUDGMENT

19 DALE SLOAN and DEBBIE SLOAN,
20 husband and wife, and GERALD L. GROENIG
21 and BETH MARIE GROENIG, husband and wife,
22

23 Defendants.
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25 The Bankruptcy Court has examined the records in this Adversary Proceeding and finds it to
26 be a noncore proceeding and for that reason the Bankruptcy Court is without authority to enter a final
27 judgment. The Plaintiff has requested the entry of a default judgment. A copy of the proposed
28 default judgment against Gerald L. Groenig and Beth Marie Groenig is attached hereto as Exhibit A.
This Court has determined that the default judgment should be entered based upon the declaration of
Michael F. Shinn in support of the motion for default judgment and the affidavit of Robert
Breshears.

Proposed Findings and Conclusions
and Recommendations

-1-

FINDINGS

This Court now finds that the second amended complaint filed on October 25, 2010, along with the summons issued on October 28, 2010, were served upon Gerald L. Groenig and Beth Marie Groenig as demonstrated by the certification of service filed on November 3, 2010. The Court further finds that the defendants failed to plead or otherwise defend within the time prescribed by law and rule. The Court further finds that on November 1, 2010, the plaintiffs duly and timely requested the entry of a judgment by default which is supported by the declaration signed by Michael Shinn and filed on the same day. This Court entered an order of default on December 10, 2010.

CONCLUSIONS

11 This Court concludes the plaintiff is entitled under applicable law to the entry of judgment by
12 default.

RECOMMENDATION

15 Therefore it is recommended that the District Court award default judgment to the plaintiff in
16 the principal judgment amount of \$665,000.00, plus prejudgment and postjudgment interest as
17 itemized on attached Exhibit A.

OBJECTIONS

As provided in Federal Rule of Bankruptcy Procedure 9033(b), within 14 days after being served with these proposed findings of fact and conclusions of law a party may file and serve a written objection with the Clerk of the United States Bankruptcy Court, Eastern District of Washington. The objection shall identify the specific proposed findings and conclusions objected to and state the grounds for such objection. A party may respond to another party's objection within 14 days after being served with a copy of the objection. A party objecting to the bankruptcy judge's proposed findings or conclusions shall arrange promptly for the transcription of the record, or such

1 portions thereof as all parties may agree upon or the bankruptcy judge deems sufficient. Any
2 objections and applicable pleadings or documents will be forwarded by the Clerk of the Bankruptcy
3 Court to the Clerk of the United States District Court.

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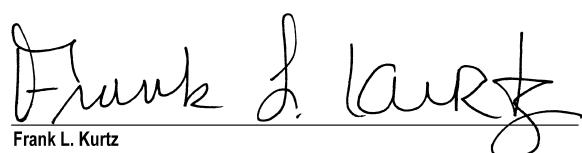
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Proposed Findings and Conclusions
and Recommendations



Frank L. Kurtz
Bankruptcy Judge

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Exhibit A

1 Michael F. Shinn, WSBA 14679
2 Velikanje Halverson P.C.
3 405 East Lincoln
4 P.O. Box 22550
5 Yakima, WA 98907
6 Telephone (509) 248-6030
7 Fax (509) 453-6880
8 mshinn@vhlegal.com

HONORABLE FRANK L. KURTZ

9 IN THE UNITED STATES BANKRUPTCY COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 In Re:

12 DALE SLOAN and DEBBIE SLOAN

Case No.: 09-03626-FLK7

13 Debtors,

Adv. Pro. No. 09-80133-FLK

14 ROBERT BRESHEARS, a single person,

15 Plaintiff,
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DEFAULT JUDGMENT AGAINST
DEFENDANTS GERALD L.
GROENIG AND BETH MARIE
GROENIG

v.

DALE SLOAN and DEBBIE SLOAN,
husband and wife, and GERALD L.
GROENIG and BETH MARIE GROENIG,
husband and wife,

Defendants.

JUDGMENT SUMMARY

JUDGMENT CREDITOR

: ROBERT BRESHEARS, a single
person

JUDGMENT DEBTOR

: GERALD L. GROENIG AND
BETH MARIE GROENIG,
husband and wife

Velikanje Halverson P.C.
405 East Lincoln Ave.
P.O. Box 22550
Yakima, WA 98907
(509) 248-6030

DEFAULT JUDGMENT - 1

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1 PRINCIPAL JUDGMENT AMOUNT : \$665,000
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3 PRE-JUDGMENT INTEREST RATE : 12% per annum
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5 PREJUDGMENT INTEREST : \$290,122.19
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7 TOTAL JUDGMENT : \$955,122.19
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9 POST-JUDGMENT INTEREST
10 RATE : .13% per annum
11
12 ATTORNEY'S FOR JUDGMENT
13 CREDITOR : MICHAEL F. SHINN of
14 VELIKANJE HALVERSON P.C.
15
16 JUDGMENT DEBTORS : No attorney appearing for
17 Defendant

18 THIS MATTER having been presented upon the request of the Plaintiff
19 for Default Judgment, pursuant to FRBP 7055(b)(1), following the entry of an
20 Order of Default against the Defendants Gerald L. Groenig and Beth Marie
21 Groenig, husband and wife, Plaintiff having made its request for entry of
22 Default Judgment by the Clerk, and supported by the Affidavit of Robert
23 Breshears showing the amount due, now, therefore, the aforementioned
24 Judgment is entered against the Defendants Gerald L. Groenig and Beth Marie
25 Groenig, husband and wife, in the principal amount of \$665,000, with pre-
26 judgment interest thereon of \$290,122.19 through December 12, 2011, for a
27 total judgment of \$955,122.19.

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Velikanje Halverson P.C.
405 East Lincoln Ave.
P.O. Box 22550
Yakima, WA 88807
(509) 248-6030

DEFAULT JUDGMENT - 2

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5 Presented by:
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7 s/Michael F. Shinn, WSBA 14679
8 Velikanje Halverson P.C.
9 Attorneys for Robert Breshears
10 405 East Lincoln Avenue
11 P.O. Box 22550
12 Yakima, Washington 98907
13 Telephone: (509) 248-6030
14 Fax: (509) 453-6880
15 Email: mshinn@vhlegal.com

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Velikanje Halverson P.C.
405 East Lincoln Ave.
P.O. Box 22550
Yakima, WA 98907
(509) 248-6030

DEFAULT JUDGMENT - 3

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